



INTERIOR BOARD OF INDIAN APPEALS

David and Cathleen Lundgren v. Midwest Regional Director, Bureau of Indian Affairs

53 IBIA 14 (01/26/2011)

Related Board case:

52 IBIA 273



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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DAVID AND CATHLEEN)	Order Dismissing Petition for
LUNDGREN)	Reconsideration
Appellants,)	
)	
v.)	
)	Docket No. IBIA 08-056-1
MIDWEST REGIONAL DIRECTOR,)	
BUREAU OF INDIAN AFFAIRS,)	
Appellee.)	January 26, 2011

On December 6, 2010, the Board of Indian Appeals (Board) dismissed this appeal from David and Cathleen Lundgren (Appellants), which was consolidated with an appeal by Olson Bros. Enterprises LLC. *See* 52 IBIA 273. The Board's dismissal was based upon an "Unopposed Motion to Dismiss with Prejudice" filed by the Midwest Regional Director (Regional Director), Bureau of Indian Affairs, through counsel, which represented that Appellants concurred in the motion. After the Board's order of dismissal had been mailed to the parties, the Board received from Appellants an objection to the Regional Director's motion. Appellants stated that they did not agree to dismissal of their appeal with prejudice. The Board treated Appellants' objection as a petition for reconsideration, and ordered a response from the Regional Director.

On January 3, 2011, the Board received responses from both the Regional Director and Appellants. The Regional Director's response demonstrates that the motion to dismiss was filed in good faith. Appellants state that the Board may dismiss their petition for reconsideration.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board dismisses the petition for reconsideration.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge